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Attorney Docket: 112.P14213

IN THE FIGURES

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Please enter amended Figure 1, submitted herewith.

REMARKS**Objection to the Drawings**

In the Office Action, dated October 5, 2006, the Examiner objected to Figure 25, indicating that it should be labeled as prior art. However, as discussed in a meeting with the Examiner on December 27, 2006, there is no Figure 25 in the present application. In this meeting, the Examiner indicated that this was an error, and that no response to this objection is required. Accordingly, it is respectfully requested that the Examiner withdraw this objection to the drawings.

Furthermore, it is noted that Figure 1 has been amended to include a numerical designation for item 500, which is sufficiently described in the specification, and was inadvertently omitted from Figure 1 as filed.

Status of Claims

Claims 1-24, 26-32, 36-40 and 43-57 are pending in the above-referenced patent application. In this amendment, claims 25, 33-35 and 41-42 have been cancelled and claims 1-24, 26-32, 36-40 and 43-57 have been amended to more clearly delineate intended subject matter. It is noted that subject matter from cancelled claims 25, 33-35 and 41-42 have been incorporated into pending claims, and, therefore, no prosecution history estoppel results from the cancellation of these claims. Furthermore, the amendments to the claims introduce no new matter, and support for the amendments may be found in the specification, claims and figures as filed. It is respectfully requested that the Examiner enter the amendments to claims 1-24, 26-32, 36-40 and 43-57 and allow all pending claims to proceed to allowance.

Allowable Subject Matter

The Examiner has allowed claims 47-57, and indicated that claims 25-26, 35, 41-42 and 46 would be allowable if rewritten in independent form. Assignee would like to thank the Examiner for identifying allowable subject matter.

The Examiner's statements of reasons for allowance with reference to claims 47-57 are hereby acknowledged by Assignee. Assignee agrees that claimed subject matter is patentably distinct from the documents cited by the Examiner; however, Assignee takes no position regarding the reasons for allowance presented by the Examiner, other than positions Assignee may have previously taken during prosecution of the above-referenced patent application. Therefore, the Examiner's reasons for allowance should not be attributed to Assignee as an indication of the basis for Assignees' belief that claims are patentably distinct. Furthermore, it is respectfully submitted that there may also be additional reasons for patentability of claimed subject matter not explicitly stated in this record. While in accordance with 37 C.F.R. §1.104(e), a failure by the Assignee to disagree with the Examiner, or file more detailed comments, does not give rise to any implication that the Assignee agrees with or acquiesce in the reasoning of the Examiner, here, by this document, Assignee is expressly making clear that no such agreement or acquiesce is present.

Claim Rejections – 35 U.S.C §102(b)

In the Office Action, dated October 5, 2006, the Examiner rejected claims 1-5, 7-13, 16-17, 19-24, 28-31, 33-34, 36-40 and 44-45 under 35 USC 102(b) as anticipated by Kawabe et al (U.S. Pat. No. 5,812,176, hereinafter "Kawabe"). This rejection is respectfully traversed.

Although Kawabe describes compensating for an RGB recording heads formed on a drum, Kawabe does not show or describe "providing a carrier having a plurality of grooves formed thereon and a plurality of reflecting elements disposed thereon, wherein the grooves are formed on the surface of the carrier and the reflecting elements are disposed on surfaces of the carrier inside the grooves, wherein the light source is disposed in one of the grooves, and each reflecting element reflects light from the light source to produce a beam of light biased towards a particular color". In Kawabe, RGB elements are formed on a head, and there is no description of at least "a carrier having a plurality of grooves formed thereon and a plurality of reflecting elements disposed", wherein "each reflecting element reflects light from the light source to produce a beam of light biased towards a particular color".

Therefore, because Kawabe fails to show or describe each and every element of the rejected claims, a sufficient showing of anticipation has not been established, and claim 1 is in condition for allowance. Additionally, claims 2-5, 7-13, 16-17, 19-24, 28-31, 33-34, 36-40 and 44-45 either depend from or include limitations similar to those in claim 1, and, therefore, are in a condition for allowance for at least the same reasons.

Assignee respectfully submits that because a sufficient showing of anticipation has not been established, all pending claims are in a condition for allowance. It is noted that many other bases for traversing the rejections could be provided, but Assignee believes that the grounds presented above are sufficient. It is, therefore, respectfully requested that the Examiner withdraw the rejection of these claims, and allow all pending claims to proceed to allowance.

Claim Rejections – 35 USC §103(a) – Kawabe v. Takeda

The Examiner has rejected claims 6, 15, 27, 32 and 43 under 35 USC 103(a) as being unpatentable over Kawabe in view of Takeda et al (U.S. Pat. No. 5,818,033, hereinafter "Takeda"). These rejections are respectfully traversed.

It is noted that in order to establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, and not based on applicant's disclosure. In re Vaack, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991). (MPEP § 2142). It is respectfully submitted that the cited references do not meet these criteria. For example, the cited art, alone or in combination, still does not teach or suggest all the claim limitations.

However, Assignee does not by this argument accept that the alleged combination is proper; rather, while Assignee does not admit that the combination is proper, Assignee further asserts that

even if the combination were proper, and a successful combination of Kawabe in view of Takeda were made, any resultant combination or any of the other alleged combinations would still not teach or suggest all the claim limitations of the rejected claims.

For example, Assignee respectfully submits that claims 6, 15, 27, 32 and 43 are not rendered obvious by Kawabe in view of Takeda. As mentioned previously, Kawabe does not show or describe at least "a carrier having a plurality of grooves formed thereon and a plurality of reflecting elements disposed", wherein "each reflecting element reflects light from the light source to produce a beam of light biased towards a particular color", and Takeda does not cure this deficiency. For example, although Takeda is directed toward a reading device having spaced LEDs, Takeda still does not cure the deficiencies of Kawabe noted above.

Accordingly, any combination of Kawabe in view of Takeda, if successful, still would not show or describe at least "a carrier having a plurality of grooves formed thereon and a plurality of reflecting elements disposed", wherein "each reflecting element reflects light from the light source to produce a beam of light biased towards a particular color", as recited in claim 1, from which claim 6 depends. Therefore, because Kawabe in view of Takeda fails to teach or suggest each and every element of the rejected claims, a prima facie showing of obviousness has not been established, and claim 6 is in condition for allowance. Additionally, claims 15, 27, 32 and 43 include limitations similar to those in claim 1 and/or claim 6, and, therefore, are in a condition for allowance for at least the same reasons.

Assignee respectfully submits that, for at least the reasons presented above, a prima facie case of obviousness has not been established, and all pending claims are in a condition for allowance. It is noted that many other bases for traversing the rejection could be provided, but Assignee believes that this ground is sufficient. It is respectfully submitted that the Examiner withdraw the rejections of the claims, and allow all pending claims to proceed to allowance.

Additionally, it is noted that the Assignee's omission to comment directly upon all of the positions asserted by the Examiner in the office action does not indicate agreement or acquiescence with those asserted positions. For example, Assignee does not agree or acquiesce to Examiner's

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position as to whether there is any suggestion to combine the cited documents or whether there would be any reasonable expectation of success from making such a combination.

CONCLUSION

In view of the foregoing, it is respectfully submitted that all of the claims pending in this patent application are in condition for allowance. If the Examiner has any questions, she is invited to contact the undersigned at (503) 439-6500. Reconsideration of this patent application and early allowance of all the claims is respectfully requested.

Please charge any shortages and credit any overcharges of any fees required for this submission to Deposit Account number 50-3703.

Respectfully submitted,

Dated: 3/5/2007

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